



GENERAL ASSEMBLY

COMMONWEALTH OF KENTUCKY

2006 REGULAR SESSION

SENATE BILL NO. 59

AS ENACTED

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TREY GRAYSON
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY R. Solles

AN ACT relating to reorganization.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. KRS CHAPTER 39G IS ESTABLISHED AND A NEW SECTION THEREOF IS CREATED TO READ AS FOLLOWS:

(1) The Kentucky Office of Homeland Security shall be attached to the Office of the Governor and shall be headed by an executive director appointed by the Governor.

(2) The executive director shall:

(a) Publicize the findings of the General Assembly stressing the dependence on Almighty God as being vital to the security of the Commonwealth by including the provisions of KRS 39A.285(3) in its agency training and educational materials. The executive director shall also be responsible for prominently displaying a permanent plaque at the entrance to the state's Emergency Operations Center stating the text of KRS 39A.285(3);

(b) Establish and chair an interagency working group composed of the chair of the Senate Veterans, Military Affairs, and Public Protection Committee, the chair of the House of Representatives Seniors, Military Affairs, and Public Safety Committee, state agency representation, and private agency representation. The working group shall have the purpose of identifying risks and needs and making a complete assessment of the preparedness of the Commonwealth to respond to acts of war or terrorism, including nuclear, biological, chemical, electromagnetic pulse, agro-, eco-, or cyber-terrorism;

(c) Serve as the State Appointed Administrator for the United States Department of Homeland Security;

(d) Implement all homeland security Presidential and Gubernatorial Directives, including directives pertaining to state and local compliance with the

National Incident Management System;

(e) Coordinate the efforts of the Kentucky Office of Homeland Security with the efforts of the Federal Department of Homeland Security;

(f) Accept and allocate any homeland security funds in compliance with applicable federal and state laws and administrative regulations; and

(g) Inform the members of the General Assembly of the process by which a public agency applies for a federal homeland security grant and shall provide the following information to the members at least ninety (90) days before an application deadline:

1. The application deadline;

2. How a public agency can obtain an application form;

3. How a public agency can obtain assistance in filling out an application form; and

4. Any other information that would be helpful to a public agency interested in applying for a federal homeland security grant.

(3) The executive director may delegate responsibilities created under this section to another executive branch agency.

(4) The Kentucky Office of Homeland Security shall:

(a) Develop and publish a comprehensive statewide homeland security strategy that coordinates state and local efforts to detect, deter, mitigate, and respond to a terrorist incident;

(b) Develop a comprehensive strategy addressing how state and federal funds and other assistance will be allocated within the state to purchase specialized equipment required to prevent and respond effectively and safely to terrorist incidents;

(c) Urge the state and local governments to exceed minimum federal requirements for receiving assistance in preparing to respond to acts of war

or terrorism in the hope that the Commonwealth will become a national leader in this preparation;

(d) Provide information explaining how individuals and private organizations, including volunteer and religious organizations, can best prepare for and respond to incidents contemplated by this section and to other threatened, impending, or declared emergencies and whom to contact should they desire to volunteer help or services during such an emergency. The program shall identify and encourage these private organizations to specifically commit to provide food, shelter, personnel, equipment, materials, consultation, and advice, or other services needed to respond to these incidents; and

(e) Promulgate any administrative regulations necessary to carry out the provisions of this chapter.

(5) The adjutant general, or his or her designee, shall concurrently notify the Governor and the executive director of the Office of Homeland Security of a disaster or emergency involving homeland security. The adjutant general, or his or her designee, shall be the Governor's primary point of contact for managing and responding to a disaster or emergency involving homeland security.

SECTION 2. A NEW SECTION OF KRS CHAPTER 39G IS CREATED TO READ AS FOLLOWS:

(1) The Kentucky Office of Homeland Security shall identify and maintain a record of all federal homeland security funding, including grants, received in Kentucky. The record shall identify, at a minimum, the specific federal source, the amount, the specific recipient, the intended use of the funding, the actual use, and any unspent amount.

(2) (a) Not later than September 15 of each year, each department headed by an elected officer, as identified in KRS 12.020 I., each cabinet headed by an

1 appointed officer, as identified in KRS 12.020 II., and each department
2 headed by an appointed officer, as identified in KRS 12.020 III., shall
3 submit to the Kentucky Office of Homeland Security a record of all federal
4 homeland security funding, including grants, received during the state
5 fiscal year starting with the fiscal year ending June 30, 2005. The record
6 shall identify, at a minimum, the specific federal source, the amount, the
7 specific recipient, the intended use of the funding, the actual use, and any
8 unspent amount.

9 (b) Not later than August 1 of each year, each city, county, urban-county,
10 charter county, consolidated local government, and special taxing district
11 shall submit to its area development district a record of all federal homeland
12 security funding, including grants, received during the state fiscal year by
13 the city, county, urban-county, charter county, consolidated local
14 government, special taxing district, or a public agency thereof, starting with
15 the fiscal year ending June 30, 2005. The record shall identify, at a
16 minimum, the specific federal source, the amount, the specific recipient, the
17 intended use of the funding, the actual use, and any unspent amount.

18 (c) Not later than August 15 of each year, each area development district shall
19 group the records required under paragraph (b) of this subsection by county
20 and submit them to the Department for Local Government.

21 (d) Not later than September 20 of each year, the Department for Local
22 Government shall submit the records received under paragraph (c) of this
23 subsection to the Kentucky Office of Homeland Security.

24 (e) Any funds received for the purpose of homeland security shall be monitored
25 by the Kentucky Office of Homeland Security and subject to audit and
26 compliance inspections as directed by the executive director.

27 (3) The Kentucky Office of Homeland Security, area development districts, and the

Department for Local Government shall educate entities that report under this section about their responsibilities under this section. If an entity is late in reporting under this section, the office, an area development district, or the Department for Local Government shall remind that entity of its reporting requirements under this section.

(4) The Kentucky Office of Homeland Security shall directly notify the chief executive officer of each city, county, urban-county, charter county, and consolidated local government concerning grants for homeland security projects as the grants become available.

SECTION 3. A NEW SECTION OF KRS CHAPTER 39G IS CREATED TO
READ AS FOLLOWS:

Each year by November 1, the executive director of the Kentucky Office of Homeland Security shall submit a written report to the Governor, the Auditor of Public Accounts, the Legislative Research Commission, and the Interim Joint Committee on Seniors, Veterans, Military Affairs, and Public Protection. The written report shall:

(1) Assess the Commonwealth's preparedness to respond to acts of war or terrorism, including nuclear, biological, chemical, electromagnetic pulse, agro-, eco-, or cyber-terrorism;

(2) Identify the priority of needs, areas of improvement, and the overall progress made with regard to the Commonwealth's preparedness; and

(3) Provide a record of all federal homeland security funding, including grants, gathered under Section 2 of this Act since the last annual written report, as well as any other relevant homeland security funding information gathered by the Kentucky Office of Homeland Security. The record shall identify, at a minimum, the specific federal source, the amount, the specific recipient, the intended use of the funding, the actual use of the funding, and any unspent amount.

(4) The Auditor of Public Accounts shall conduct an examination of revenues and

expenditures provided under the annual written report and under subsection (2)(c) of Section 2 of this Act and, if examination findings warrant, shall conduct audits. No later than January 30, the Auditor shall submit all examination and audit reports to the Senate Veterans, Military Affairs, and Public Protection Committee and the House Seniors, Military Affairs, and Public Safety Committee.

(5) (a) In addition to the annual report required under this section, the executive director of the Office of Homeland Security shall provide to the Legislative Research Commission and the Interim Joint Committee on Appropriations and Revenue a quarterly report on the receipt and expenditure of homeland security funds since the previous quarterly report.

(b) The report shall identify, at a minimum, the following:

1. Amount and specific source of any homeland security funds received;
2. Specific expenditures by amount, recipient, and intended or actual use; and
3. Balance of funds remaining in the account.

(c) The initial quarterly report shall be submitted by October 15, 2006, and shall contain the required information on receipts and expenditures since the passage of the federal Homeland Security Act of 2002, Pub. L. No. 107-296.

SECTION 4. A NEW SECTION OF KRS CHAPTER 39G IS CREATED TO READ AS FOLLOWS:

The Commercial Mobile Radio Service Emergency Telecommunications Board of Kentucky, created in KRS 65.7623, shall be attached to the Office of Homeland Security for administrative purposes.

Section 5. KRS 39A.050 is amended to read as follows:

(1) The Division of Emergency Management shall coordinate for the Governor all

1 matters pertaining to the comprehensive emergency management program and
 2 disaster and emergency response of the Commonwealth. The division shall be the
 3 executive branch agency of state government having primary jurisdiction,
 4 responsibility, and authority for the planning and execution of disaster and
 5 emergency assessment, mitigation, preparedness, response, and recovery for the
 6 Commonwealth; the coordination of all disaster and emergency response by and
 7 between all state agencies, all agencies of city, county, and urban-county or charter
 8 county government, all local entities, and all political subdivisions of the
 9 Commonwealth for an emergency, declared emergency, disaster, or catastrophe as
 10 contemplated in KRS 39A.010, 39A.020, or 39A.030; the coordination of, and
 11 liaison with, related or concerned federal government agencies, elected officials of
 12 other states, private organizations or private sector companies dealing with disaster
 13 and emergency response; the coordination of all recovery operations and mitigation
 14 initiatives subsequent to disasters or emergencies; and the coordination of all public
 15 information activities regarding state government disaster and emergency response
 16 operations.

17 (2) The Division of Emergency Management shall have and exercise the following
 18 powers, authorities, and duties:

19 (a) To develop, administer, and maintain a statewide comprehensive emergency
 20 management program for the Commonwealth, and through it an integrated
 21 emergency management system for the disaster and emergency response of the
 22 Commonwealth, which shall be coordinated with the emergency management
 23 programs, and other related public safety, emergency response, mitigation, or
 24 disaster recovery programs, of all appropriate federal government agencies
 25 including the Federal Emergency Management Agency, the federal
 26 Department~~[Office]~~ of Homeland Security, the State Department, the Federal
 27 Aviation Administration, the Centers for Disease Control and Prevention, the

1 Department of Transportation, the Environmental Protection Agency, the
2 Occupational Safety and Health Administration, the Department of Defense,
3 the National Oceanic and Atmospheric Administration, the Department of
4 Justice, the Bureau of Alcohol, Tobacco, and Firearms, the National
5 Transportation Safety Board, the Chemical Safety and Hazard Investigation
6 Board, the Army Corps of Engineers, the National Security Council, the
7 Department of Health and Human Services, the Federal Railroad
8 Administration, the United States Geological Survey, the Department of
9 Energy, the Nuclear Regulatory Commission, the Department of Agriculture,
10 the Department of Housing and Urban Development, the American Red
11 Cross, the other states, and other appropriate public or private agencies, to the
12 fullest appropriate extent;

13 (b) To coordinate the development, implementation, and maintenance of
14 comprehensive emergency management programs by local emergency
15 management agencies in the cities, counties, and urban-county or charter
16 county governments of the Commonwealth to ensure that all such programs,
17 agencies, and organizations are organized, administered, and operated as
18 functional components of the integrated emergency management system of the
19 Commonwealth;

20 (c) To develop and maintain a comprehensive, risk-based, all-hazards disaster and
21 emergency response plan entitled "Kentucky Emergency Operations Plan," the
22 provisions of which shall establish the organizational structure to be utilized
23 by state government for managing disaster and emergency response, and set
24 forth the policies, procedures, and guidelines for the coordination and
25 execution of all disaster and emergency response for an emergency, declared
26 emergency, disaster, or catastrophe in the Commonwealth. The Kentucky
27 Emergency Operations Plan shall be submitted to the Governor for approval

1 when the Governor assumes office following each gubernatorial election, or at
2 other times as the director deems appropriate. The Governor shall provide
3 written approval of the Kentucky Emergency Operations Plan through
4 issuance of an executive order, and the division shall file a copy of the
5 executive order with the Legislative Research Commission. The Kentucky
6 Emergency Operations Plan shall be the primary strategic disaster and
7 emergency response planning component of the integrated emergency
8 management system of the Commonwealth, and shall be utilized and followed
9 by all state agencies, all local government agencies, all local public agencies
10 or entities, and all other political subdivisions of the Commonwealth which
11 may be involved in disaster and emergency response in the Commonwealth.
12 The Kentucky Emergency Operations Plan shall be updated by the division
13 not less than annually;

14 (d) To maintain and operate the State Emergency Operations Center facility,
15 which shall be the official and primary state government twenty-four (24)
16 hour warning point, communications, and command center, from which the
17 Governor, cabinet secretaries, department heads, and other state agency
18 officials can, at any time, rapidly, adequately, and effectively manage the
19 disaster and emergency response of the Commonwealth. The State Emergency
20 Operations Center facility shall be the primary state direction and control
21 component of the integrated emergency management system of the
22 Commonwealth for the coordination of all disaster and emergency response in
23 the Commonwealth;

24 (e) To develop, monitor, and operate, on a twenty-four (24) hour per day basis,
25 the appropriate alerting or warning systems, public safety telecommunications
26 systems, or radio networks; any state trunked, fiber, or interactive
27 communication systems; computer, fax, other telecommunications or

1 information networks; and systems needed for communication and
 2 coordination with all necessary or appropriate federal, state, or local public
 3 safety, law enforcement, emergency management, or other disaster and
 4 emergency response agencies, and state or local dispatch centers in the
 5 Commonwealth, and other appropriate interests, and through these agencies
 6 and systems to receive or disseminate emergency information, or to receive
 7 timely notification of, and continual assessment of, all threatened or actual
 8 emergency incidents or disaster situations occurring anywhere in or near the
 9 Commonwealth;

10 (f) To immediately notify the Governor,~~and~~ the adjutant general, and the
 11 executive director of the Kentucky Office of Homeland Security, or his or
 12 her designee, in the event of any major emergency incidents or disaster
 13 occurrences, or the threatened or impending occurrence of any of these events,
 14 and to keep the Governor,~~and~~ the adjutant general, and the executive
 15 director of the Kentucky Office of Homeland Security, or his or her
 16 designee, informed of all actions being taken in response to these events;

17 (g) To respond to the scenes of emergencies or disasters, or their threatened or
 18 impending occurrence and to directly and immediately investigate, analyze,
 19 and assess the nature and seriousness of these situations; to convene meetings,
 20 gather information, conduct briefings, and evaluate ongoing emergency
 21 response activities; take actions to execute the appropriate provisions of the
 22 Kentucky Emergency Operations Plan; coordinate the establishment and
 23 operation of a state incident management system; establish or manage sub-
 24 state or area emergency operations centers, or on-scene command posts; and
 25 fully expedite and coordinate the disaster and emergency response of the
 26 Commonwealth;

27 (h) To establish and operate area field offices of the division, each office to be

1 headed by an area manager, responsible for administering the policies, plans,
2 programs, and duties of the division in specific geographic areas of the
3 Commonwealth, including the coordination of comprehensive emergency
4 management programs developed by the cities, counties, urban-county, or
5 charter county governments in the areas;

6 (i) To provide funds to the cities, counties, and urban-county or charter county
7 governments of the Commonwealth to support the development,
8 administration, operation, and maintenance of local emergency management
9 agencies created pursuant to KRS Chapters 39A to 39F;

10 (j) To require the regular submission of program administration data, records,
11 materials, reports, or documents from local emergency management agencies
12 as may be necessary and sufficient to conduct performance reviews and
13 assessments to ensure compliance with all state or federal funding and
14 program requirements, and to ensure local program compatibility and
15 consistency with the mission, goals, and objectives of the comprehensive
16 emergency management program and integrated emergency management
17 system of the Commonwealth;

18 (k) To ascertain the requirements of the Commonwealth and its cities and
19 counties for emergency resources and the necessities of life in the event of
20 disaster or emergency; institute an emergency resource management plan and
21 procure emergency supplies, materials, and equipment; and use or employ in
22 time of emergency any of the property, services, and resources of state or local
23 government in the Commonwealth for the purposes set forth in KRS Chapters
24 39A to 39F;

25 (l) To institute public information and education programs, emergency
26 management training programs, and exercise programs to test and evaluate
27 emergency operations plans and disaster and emergency response and

1 recovery capabilities; and

2 ~~(m) [To assess the threat of and the Commonwealth's capacity for responding to~~
 3 ~~acts of war or terrorism, including but not limited to nuclear, biological,~~
 4 ~~chemical, agro, eco, electromagnetic pulse, or cyber terrorism;~~

5 ~~(n) [To develop a statewide plan and needs assessment for responding to acts of~~
 6 ~~war or terrorism, including but not limited to nuclear, biological, chemical,~~
 7 ~~agro, eco, electromagnetic pulse, or cyber terrorism;~~

8 ~~(o) [Develop a comprehensive strategy addressing how state and federal funds and~~
 9 ~~other U.S. Department of Justice assistance will be allocated within the state~~
 10 ~~to purchase specialized equipment required to respond to terrorist incidents~~
 11 ~~effectively and safely;~~

12 ~~(p) [Establish as a goal to exceed the minimum requirements established by the~~
 13 ~~U.S. Department of Justice, under congressional direction, for state and local~~
 14 ~~governments receiving assistance needed to enhance their capabilities to~~
 15 ~~respond to terrorist attacks. This goal is established in order for the~~
 16 ~~Commonwealth to emerge as a preeminent national leader in preparation and~~
 17 ~~training to address terrorist incidents involving weapons of mass destruction;~~
 18 ~~and~~

19 ~~(q)]~~ To promulgate administrative regulations to carry out the provisions of KRS
 20 Chapters 39A to 39F.

21 Section 6. KRS 36.010 is amended to read as follows:

22 The Department of Military Affairs shall be attached to the Office of the Governor, have
 23 charge of and be responsible to the Governor for the proper functioning of the Kentucky
 24 National Guard, militia, and all other military or naval matters of the state, and shall
 25 consist of the following offices and divisions:

26 (1) Office of Management and Administration, containing the:

27 (a) Division of Administrative Services;

- 1 (b) Division of Facilities;
- 2 (c) Bluegrass Station Division;
- 3 (d) Division of Air Transport; and
- 4 (e) Logistics Operations Division;
- 5 (2) Division of Emergency Management;
- 6 (3) Office of the Chief of Staff for Federal Army Guard;
- 7 (4) Office of the Chief of Staff for Federal Air Guard;
- 8 (5)~~Office for Security Coordination;~~
- 9 ~~(6)~~ Kentucky Guard Youth Challenge Division; and
- 10 ~~(6)~~~~(7)~~ Kentucky Civil Air Patrol.

11 In order to promote greater efficiency, economy, and improved administration, the
 12 divisional structure of the Department of Military Affairs may be changed, redesignated,
 13 or reorganized in accordance with KRS Chapter 12. Notwithstanding KRS Chapter 12,
 14 the department's attachment to the Office of Governor as a separate organizational unit
 15 not attached to any cabinet shall not be changed except by action of the General
 16 Assembly.

17 Section 7. KRS 39A.070 is amended to read as follows:

18 The director, with the approval of the adjutant general, shall exercise the following
 19 powers, responsibilities, and duties:

- 20 (1) To represent the Governor on all matters pertaining to the comprehensive
 21 emergency management program and the disaster and emergency response of the
 22 Commonwealth;
- 23 (2) To coordinate the development of a statewide comprehensive emergency
 24 management program, and through it, an integrated emergency management system
 25 for the disaster and emergency response of the Commonwealth;
- 26 (3) To promulgate administrative regulations and issue orders, directives, standards,
 27 rules, procedures, guidance, or recommended practices necessary to coordinate the

1 development, administration, organization, operation, implementation, and
2 maintenance of the statewide comprehensive emergency management program and
3 the integrated emergency management system of the Commonwealth;

4 (4) To coordinate the development of comprehensive emergency management
5 programs by the cities, counties, and urban-county or charter county governments as
6 functional components of the integrated emergency management system of the
7 Commonwealth;

8 (5) To supervise the development and maintenance of the Kentucky Emergency
9 Operations Plan, and to review and give concurrence to local emergency operations
10 plans required pursuant to KRS Chapters 39A to 39F;

11 (6) To coordinate the comprehensive emergency management program of the
12 Commonwealth with the emergency management or other emergency response-
13 related programs of the federal government, and of other states, to the fullest
14 appropriate extent;

15 (7) To advise the Governor and the adjutant general immediately of the occurrence or
16 threatened or impending occurrence of any disaster or emergency, and to
17 recommend to the Governor any emergency actions, written orders, emergency
18 powers, or executive orders that the Governor should execute;

19 (8) To serve as the Governor's primary liaison with local officials in the event of the
20 occurrence, or threatened or impending occurrence, of any disaster or emergency in
21 the cities, counties, urban-counties, or charter counties of the Commonwealth;

22 (9) To take any other preparedness or response actions deemed necessary for adequate
23 response to a disaster or emergency situation to include: requesting increased
24 readiness activities by state or local agencies in advance of an actual disaster or
25 emergency; requesting implementation of local emergency operations plans or the
26 activation of local emergency operations centers; requesting reports from state or
27 local agencies regarding emergency situations, damage assessments, or the taking of

1 emergency response actions; and requesting the mobilization or deployment of any
2 trained and equipped forces of state or local government for the disaster and
3 emergency response purposes set forth in KRS Chapters 39A to 39F;

4 (10) To request and utilize the personnel, equipment, services, and facilities of existing
5 officers and agencies of the Commonwealth and of all political subdivisions and
6 special districts. All these officers and agencies shall fully cooperate with and
7 extend their resources to the director as requested to the extent that local public
8 safety is not unreasonably compromised;

9 (11) To employ measures and give directions to the state or local boards of health as
10 necessary for the purpose of securing compliance with the provisions of KRS
11 Chapters 39A to 39F, or with the findings or recommendations of the boards of
12 health, because of conditions arising from disasters, emergency situations, national
13 security emergencies, or the threat thereof;

14 (12) To request and utilize the services of state and local law enforcement officers for
15 the purpose of securing compliance with the provisions of KRS Chapters 39A to
16 39F, or any order of the Governor pertaining to disaster and emergency response;

17 (13) On behalf of this Commonwealth, with the approval of the Governor or act of the
18 General Assembly, to enter into reciprocal aid agreements or compacts with other
19 states and the federal government, either on a statewide, local, county, or city basis,
20 or with other states or a province of a foreign country. The mutual aid agreements
21 shall be limited to the furnishing or exchange of food, clothing, medicine, and other
22 supplies; engineering services; emergency housing; police services; National Guard
23 personnel and resources while under the control of the state; health, medical, and
24 related services; firefighting; rescue; search and rescue or recovery; urban search
25 and rescue; hazardous materials response services, transportation and construction
26 services and equipment; personnel necessary to provide or conduct these services
27 and other supplies, equipment, facilities, personnel, and services as needed; the

- 1 reimbursement of costs and expenses for equipment, supplies, personnel, and
2 similar items for mobile support units, firefighting, search and rescue, and police
3 units, and health units; and on the terms and conditions deemed necessary;
- 4 (14) To sponsor and develop mutual aid plans and agreements among the urban-county
5 or charter county governments, counties, cities, and other political subdivisions and
6 special districts of the Commonwealth, similar to the mutual aid arrangements with
7 other states referred to in subsection (13) of this section;
- 8 (15) To procure motor vehicles, radio and telecommunications equipment, protective
9 clothing, safety equipment, and other necessary supplies and materials to meet the
10 emergency response, operational, and administrative needs of the division;
- 11 (16) To identify deficiencies existing in the emergency management program
12 organization, facilities, and capabilities of the Commonwealth, including but not
13 limited to: personnel and administrative resources; state, sub-state, area, or local
14 emergency operations centers; mobile command posts; emergency
15 telecommunications and computer systems; alerting and warning systems;
16 stockpiles of critical resources; or any other necessary elements, and to recommend
17 to the adjutant general, for consideration by the Governor or the General Assembly
18 or other appropriate funding authority, the administrative or operational funding
19 requirements, and long-range capital construction or improvement projects needed
20 to meet the emergency management infrastructure needs of the Commonwealth;
- 21 (17) To serve as the state coordinating officer and notify the Governor of the
22 appropriations necessary to fund the expected emergency operational or response
23 costs of the division, and the Commonwealth's share of the grants provided by
24 Pub.L.No. 93-288, Title V, Federal Disaster Assistance Programs as amended by
25 Pub.L.No. 100-707, the Robert T. Stafford Disaster Relief and Emergency
26 Assistance Act, or successor acts or titles, and further, take action necessary to
27 ensure entitlement to all other federal relief or assistance programs;

1 (18) To cooperate with the President of the United States, the Federal Emergency
 2 Management Agency, and other appropriate federal offices and agencies, and the
 3 offices and agencies of other states in matters pertaining to the comprehensive
 4 emergency management program of the Commonwealth and nation; and in
 5 connection with these, to take any measures considered necessary to implement any
 6 request of the President and the appropriate federal offices and agencies, for any
 7 action requiring effective disaster and emergency response, including the direction
 8 or control and mobilization of disaster and emergency response forces; tests and
 9 exercises, warnings, and signals for drills or other emergency response activities
 10 and the mechanical devices to be used in connection with these; the shutting off of
 11 water mains, gas mains, electric power connections, and the suspension of all other
 12 utility services; the conduct of civilians and the movement and cessation of
 13 movement of pedestrians and vehicular traffic during, prior, and subsequent to a
 14 drill, emergency, declared emergency, or disaster; public meetings or gatherings;
 15 and the evacuation and sheltering of the civilian population; and

16 ~~(19) [To develop a statewide plan and needs assessment for responding to acts of war or~~
 17 ~~terrorism, including nuclear, biological, chemical, agro, eco, electromagnetic pulse,~~
 18 ~~or cyber terrorism; and~~

19 ~~(20)]~~ To delegate any authority vested in the director under KRS Chapters 39A to 39F
 20 and to provide for the subdelegation of any such authority.

21 Section 8. KRS 11.5163 is amended to read as follows:

22 (1) The executive director shall establish and implement a statewide public safety
 23 interoperability plan. This plan shall include the development of required
 24 architecture and standards that will insure that new or upgraded Commonwealth
 25 public safety communications systems will interoperate. The Kentucky Wireless
 26 Interoperability Executive Committee shall be responsible for the evaluation and
 27 recommendation of all wireless communications architecture, standards, and

1 strategies. The executive director shall provide direction, stewardship, leadership,
2 and general oversight of information technology and information resources. The
3 executive director shall report by September 15 annually to the Interim Joint
4 Committee on Seniors, Veterans, Military Affairs, and Public Protection and the
5 Interim Joint Committee on State Government on progress and activity by agencies
6 of the Commonwealth to comply with standards to achieve public safety
7 communications interoperability.

8 (2) The Kentucky Wireless Interoperability Executive Committee shall serve as the
9 advisory body for all wireless communications strategies presented by agencies of
10 the Commonwealth and local governments. All state agencies in the
11 Commonwealth shall present all project plans for primary wireless public safety
12 voice or data communications systems for review and recommendation by the
13 committee, and the committee shall forward the plans to the executive director for
14 final approval. Local government entities shall present project plans for primary
15 wireless public safety voice or data communications systems for review and
16 recommendation by the Kentucky Wireless Interoperability Executive Committee.

17 (3) The committee shall develop funding and support plans that provide for the
18 maintenance of and technological upgrades to the public safety shared
19 infrastructure, and shall make recommendations to the executive director, the
20 Governor's Office for Policy and Management, and the General Assembly.

21 (4) The executive director shall examine the project plans for primary wireless public
22 safety voice or data communications systems of state agencies as required by
23 subsection (2) of this section, and shall determine whether they meet the required
24 architecture and standards for primary wireless public safety voice or data
25 communications systems.

26 (5) The Kentucky Wireless Interoperability Executive Committee shall consist of
27 twenty-one (21) members as follows:

- 1 (a) A person knowledgeable in the field of wireless communications appointed by
- 2 the executive director who shall serve as chair;
- 3 (b) The executive director of the Office of Infrastructure Services,
- 4 Commonwealth Office of Technology;
- 5 (c) The executive director of the Office of the 911 Coordinator;
- 6 (d) The executive director of Kentucky Educational Television, or the executive
- 7 director's designee;
- 8 (e) The chief information officer of the Transportation Cabinet;
- 9 (f) The chief information officer of the Justice Cabinet;
- 10 (g) The chief information officer of the Kentucky State Police;
- 11 (h) The commissioner of the Department of Fish and Wildlife Resources, or the
- 12 commissioner's designee;
- 13 (i) The chief information officer of the Environmental and Public Protection
- 14 Cabinet;
- 15 (j) The director of the Division of Emergency Management, Department of
- 16 Military Affairs;
- 17 (k) The executive director of the Kentucky Office of Homeland~~for~~ Security~~{~~
- 18 ~~Coordination, Department of Military Affairs}~~;
- 19 (l) The chief information officer, Department for Public Health, Cabinet for
- 20 Health and Family Services;
- 21 (m) A representative from an institution of postsecondary education appointed by
- 22 the Governor from a list of three (3) names submitted by the president of the
- 23 Council on Postsecondary Education;
- 24 (n) The executive director of the Center for Rural Development, or the executive
- 25 director's designee;
- 26 (o) A representative from a municipal government to be appointed by the
- 27 Governor from a list of three (3) names submitted by the Kentucky League of

- 1 Cities;
- 2 (p) A representative from a county government to be appointed by the Governor
3 from a list of three (3) names submitted by the Kentucky Association of
4 Counties;
- 5 (q) A representative from a municipal police department to be appointed by the
6 Governor from a list of three (3) names submitted by the Kentucky
7 Association of Chiefs of Police;
- 8 (r) A representative from a local fire department to be appointed by the Governor
9 from a list of three (3) names submitted by the Kentucky Association of Fire
10 Chiefs;
- 11 (s) A representative from a county sheriff's department to be appointed by the
12 Governor from a list of three (3) names submitted by the Kentucky Sheriffs'
13 Association;
- 14 (t) A representative from a local Emergency Medical Services agency to be
15 appointed by the Governor from a list of three (3) names submitted by the
16 Kentucky Board of Emergency Medical Services; and
- 17 (u) A representative from a local 911 dispatch center to be appointed by the
18 Governor from a list of three (3) names submitted by the Kentucky Chapter of
19 the National Emergency Number Association/Association of Public Safety
20 Communications Officials.
- 21 (6) Appointed members of the committee shall serve for a two (2) year term. Members
22 who serve by virtue of an office shall serve on the committee while they hold that
23 office.
- 24 (7) The committee shall meet quarterly, or as often as necessary for the conduct of its
25 business. A majority of the members shall constitute a quorum for the transaction of
26 business. Members' designees shall have voting privileges at committee meetings.
- 27 (8) The committee shall be attached to the Commonwealth Office of Technology for

1 administrative purposes only. Members shall not be paid, and shall not be
2 reimbursed for travel expenses.

3 (9) The Public Safety Working Group is hereby created for the primary purpose of
4 fostering cooperation, planning, and development of the public safety frequency
5 spectrum as regulated by the Federal Communications Commission, including the
6 700 MHz public safety band. The group shall endeavor to bring about a seamless,
7 coordinated, and integrated public safety communications network for the safe,
8 effective, and efficient protection of life and property. The Public Safety Working
9 Group membership and other working group memberships deemed necessary shall
10 be appointed by the chair of the Kentucky Wireless Interoperability Executive
11 Committee.

12 (10) The committee may establish additional working groups as determined by the
13 committee.

14 Section 9. KRS 39A.283 is amended to read as follows:

15 KRS 39A.050, 39A.070, and 39A.285~~[, and 39A.287]~~ may be cited as the Antiterrorism
16 Act of 2002.

17 Section 10. KRS 11.507 is amended to read as follows:

18 (1) The roles and duties of the Commonwealth Office of Technology shall include but
19 not be limited to:

20 (a) Providing technical support and services to all executive agencies of state
21 government in the application of information technology;

22 (b) Assuring compatibility and connectivity of Kentucky's information systems;

23 (c) Developing strategies and policies to support and promote the effective
24 applications of information technology within state government as a means of
25 saving money, increasing employee productivity, and improving state services
26 to the public, including electronic public access to information of the
27 Commonwealth;

- 1 (d) Developing, implementing, and managing strategic information technology
2 directions, standards, and enterprise architecture, including implementing
3 necessary management processes to assure full compliance with those
4 directions, standards, and architecture. This specifically includes, but is not
5 limited to, directions, standards, and architecture related to the privacy and
6 confidentiality of data collected and stored by state agencies;
- 7 (e) Promoting effective and efficient design and operation of all major
8 information resources management processes for executive branch agencies,
9 including improvements to work processes;
- 10 (f) Developing, implementing, and maintaining the technology infrastructure of
11 the Commonwealth;
- 12 (g) Facilitating and fostering applied research in emerging technologies that offer
13 the Commonwealth innovative business solutions;
- 14 (h) Reviewing and overseeing large or complex information technology projects
15 and systems for compliance with statewide strategies, policies, and standards,
16 including alignment with the Commonwealth's business goals, investment,
17 and other risk management policies. The executive director is authorized to
18 grant or withhold approval to initiate these projects;
- 19 (i) Integrating information technology resources to provide effective and
20 supportable information technology applications in the Commonwealth;
- 21 (j) Establishing a central statewide geographic information clearinghouse to
22 maintain map inventories, information on current and planned geographic
23 information systems applications, information on grants available for the
24 acquisition or enhancement of geographic information resources, and a
25 directory of geographic information resources available within the state or
26 from the federal government;
- 27 (k) Coordinating multiagency information technology projects, including

- 1 overseeing the development and maintenance of statewide base maps and
 2 geographic information systems;
- 3 (l) Providing access to both consulting and technical assistance, and education
 4 and training, on the application and use of information technologies to state
 5 and local agencies;
- 6 (m) In cooperation with other agencies, evaluating, participating in pilot studies,
 7 and making recommendations on information technology hardware and
 8 software;
- 9 (n) Providing staff support and technical assistance to the Geographic Information
 10 Advisory Council and~~[,]~~ the Kentucky Information Technology Advisory
 11 Council~~[, and the Commercial Mobile Radio Service Emergency~~
 12 ~~Telecommunications Board of Kentucky]~~; and
- 13 (o) Preparing proposed legislation and funding proposals for the General
 14 Assembly that will further solidify coordination and expedite implementation
 15 of information technology systems.
- 16 (2) The Commonwealth Office of Technology may:
- 17 (a) Provide general consulting services, technical training, and support for generic
 18 software applications, upon request from a local government, if the executive
 19 director finds that the requested services can be rendered within the
 20 established terms of the federally approved cost allocation plan;
- 21 (b) Promulgate administrative regulations in accordance with KRS Chapter 13A
 22 necessary for the implementation of KRS 11.501 to 11.517, 45.253, 171.420,
 23 186A.040, 186A.285, and 194A.146;
- 24 (c) Solicit, receive, and consider proposals from any state agency, federal agency,
 25 local government, university, nonprofit organization, private person, or
 26 corporation;
- 27 (d) Solicit and accept money by grant, gift, donation, bequest, legislative

1 appropriation, or other conveyance to be held, used, and applied in accordance
2 with KRS 11.501 to 11.517, 45.253, 171.420, 186A.040, 186A.285, and
3 194A.146;

4 (e) Make and enter into memoranda of agreement and contracts necessary or
5 incidental to the performance of duties and execution of its powers, including,
6 but not limited to, agreements or contracts with the United States, other state
7 agencies, and any governmental subdivision of the Commonwealth;

8 (f) Accept grants from the United States government and its agencies and
9 instrumentalities, and from any source, other than any person, firm, or
10 corporation, or any director, officer, or agent thereof that manufactures or sells
11 information resources technology equipment, goods, or services. To these
12 ends, the Commonwealth Office of Technology shall have the power to
13 comply with those conditions and execute those agreements that are
14 necessary, convenient, or desirable; and

15 (g) Purchase interest in contractual services, rentals of all types, supplies,
16 materials, equipment, and other services to be used in the research and
17 development of beneficial applications of information resources technologies.
18 Competitive bids may not be required for:

- 19 1. New and emerging technologies as approved by the executive director or
20 her or his designee; or
- 21 2. Related professional, technical, or scientific services, but contracts shall
22 be submitted in accordance with KRS 45A.690 to 45A.725.

23 (3) Nothing in this section shall be construed to alter or diminish the provisions of KRS
24 171.410 to 171.740 or the authority conveyed by these statutes to the Archives and
25 Records Commission and the Department for Libraries and Archives.

26 Section 11. KRS 11.512 is amended to read as follows:

27 The Office of the 911 Coordinator shall have the following duties and responsibilities:

- 1 (1) Assist state and local government agencies in their efforts to improve and enhance
- 2 911 systems in Kentucky, including:
 - 3 (a) Providing consultation to local elected officials, 911 coordinators, and board
 - 4 members; and
 - 5 (b) Providing consultation to communities with basic 911 systems that are
 - 6 updating their facilities, equipment, or operations;
- 7 (2) Develop and provide educational forums and seminars for the public safety
- 8 community; and
- 9 (3) Develop standards and protocols for the improvement and increased efficiency of
- 10 911 services in Kentucky~~;~~ and
- 11 ~~(4) Administer the provisions of KRS 65.7621 to 65.7643 relating to commercial~~
- 12 ~~mobile radio service emergency telecommunications].~~

13 Section 12. KRS 12.023 is amended to read as follows:

14 The following organizational units and administrative bodies shall be attached to the

15 Office of the Governor:

- 16 (1) Council on Postsecondary Education;
- 17 (2) Department of Military Affairs;
- 18 (3) Department for Local Government;
- 19 (4) Kentucky Commission on Human Rights;
- 20 (5) Kentucky Commission on Women;
- 21 (6) Kentucky Commission on Military Affairs;
- 22 (7) Governor's Scholars Program;
- 23 (8) Agricultural Development Board;
- 24 (9) Office of Early Childhood Development;
- 25 (10) Kentucky Agency for Substance Abuse Policy;
- 26 (11) Education Professional Standards Board;
- 27 (12) Kentucky Agricultural Finance Corporation;~~and~~

1 (13) Office of Minority Empowerment; and

2 (14) Office of Homeland Security.

3 Section 13. KRS 65.7623 is amended to read as follows:

- 4 (1) There is hereby created the Commercial Mobile Radio Service Emergency
5 Telecommunications Board of Kentucky, the "CMRS Board," consisting of eight
6 (8) members, appointed by the Governor as follows: three (3) members shall be
7 employed by or representative of the interest of CMRS providers; one (1) member
8 shall be a mayor of a city of the first or second class or urban-county government or
9 his or her designee containing a public safety answering point; one (1) nonvoting
10 member shall be appointed from a list of local exchange landline telephone
11 companies' representatives submitted by the Kentucky Telephone Association; and
12 one (1) member shall be appointed from lists of candidates submitted to the
13 Governor by the Kentucky Emergency Number Association and the Association of
14 Public Communications Officials. The commissioner of the State Police, or the
15 commissioner's designee, and the CMRS emergency telecommunications
16 administrator also shall be members of the board. Any vacancy on the board shall
17 be filled in the same manner as the original appointment.
- 18 (2) The commissioner and administrator shall serve by virtue of their office. The other
19 members shall be appointed no later than August 15, 1998, for a term of four (4)
20 years and until their successors are appointed and qualified, except that of the first
21 appointments, one (1) shall be for a term of one (1) year, one (1) shall be for a term
22 of two (2) years, one (1) for a term of three (3) years, and two (2) shall be for a term
23 of four (4) years.
- 24 (3) In addition to the administrator, the Office of Homeland Security~~[Finance and~~
25 ~~Administration Cabinet]~~ shall provide staff services and carry out administrative
26 duties and functions as directed by the board. The board shall be attached to the
27 Office of Homeland Security~~[Commonwealth Office of Technology]~~ for

1 administrative purposes only and shall operate as an independent entity within state
2 government.

3 (4) The board members shall serve without compensation but shall be reimbursed in
4 accordance with KRS 45.101 for expenses incurred in connection with their official
5 duties as members of the board.

6 (5) All administrative costs and expenses incurred in the operation of the board,
7 including payments under subsection (4) of this section, shall be paid from that
8 portion of the CMRS fund that is authorized under KRS 65.7631 to be used by the
9 board for administrative purposes.

10 Section 14. In order to reflect the reorganization effectuated by this Act, the reviser
11 of statutes shall replace references in the Kentucky Revised Statutes to the agencies,
12 subagencies, and officers affected by this Act with references to the appropriate successor
13 agencies, subagencies, and officers established by this Act. The reviser of statutes shall
14 base these actions on the functions assigned to the new entities by this Act and may
15 consult with officers of the affected agencies, or their designees, to receive suggestions.

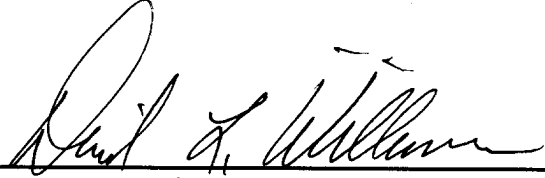
16 Section 15. Any provision of law to the contrary notwithstanding, the General
17 Assembly confirms the Governor's Executive Order 2005-563, dated June 16, 2005,
18 relating to the Kentucky Office of Homeland Security, to the extent it is not otherwise
19 confirmed or superseded by this Act.

20 Section 16. The following KRS sections are repealed:

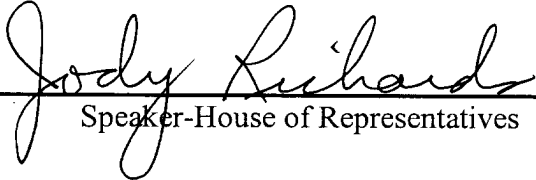
21 36.224 Office for Security Coordination -- Federal homeland security funding.

22 39A.287 Preparedness of Commonwealth to respond to acts of war or terrorism --

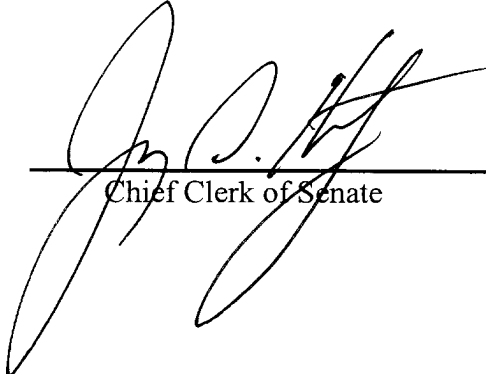
23 Annual assessment.



President of the Senate



Speaker-House of Representatives

Attest: 

Chief Clerk of Senate

Approved 

Governor

Date 4/21/06